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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,667

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Jim Rodnunsky

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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/604,667	Applicant(s) RODNUNSKY, JIM	
	Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/3 2/23/4 7/27/4 11/26/4</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3654

1. Applicant's election without traverse of Species I and Sub-species 1, in the reply filed on October 16, 2006 is acknowledged. Applicant's election included a listing having all of the claims as readable on the elected sub-species of a camera platform. However claim 8 is drawn to a mechanical claw which is not disclosed as being used with the camera platform sub-species. Claim 9 is drawn to a loader which is not disclosed as being used with the camera platform sub-species. Claim 10 is drawn to a mining scoop which is not disclosed as being used with the camera platform sub-species. Claim 12 is drawn to a flight simulating suit which is not disclosed as being used with the camera platform sub-species. Accordingly, claims 8-10 and 12 are withdrawn from consideration by the Examiner as not being part of the elected sub-species.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Claims 17-19 recite various "means for coupling", "means for configuring", "means for rotating" and "means for moving" which are not explained in the specification and do not appear to be correlated with any specific structures or elements of the invention. Appropriate correction is required.

3. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the camera of claims 7 and 12, each of the method steps of claims 14-16, and the "means for coupling", "means for configuring", "means for rotating" and "means for moving" of claims 17-19 must be shown in the drawings, or the limitations must be canceled from the claims. No new matter may be entered.

4. Note also that at such time as claims 8-10 and 12 are considered and determined to depend from an allowable generic claim, the subject matter of these claims would also have to be included in the drawing figures.

5. If corrected drawing sheets are submitted to overcome the above objection, they must be in compliance with 37 CFR 1.121(d) and are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 3654

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

6. If the changes are not accepted by the examiner, because for example introducing new matter, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

8. Claims 14-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claims 14-16, it is unclear as to what type of method applicant is attempting to claim. Is this a processing of making an apparatus, process of using an apparatus or some other type of process?
- b. In claim 16, line 5, it is unclear as to how "moving said platform" can be considered a method step which follows the three rotating steps.
- c. In claims 17-19, all of the "means for coupling", all of the "means for configuring" and all the "means for rotating" are not understood. For example, how is the first skate considered as having means for coupling to its highline? It appears to be directly attached thereto without any element which would be considered as a "coupling means". The term "means for configuring" is not understood. What element is this? What is the means for rotating the motor? Electricity?
- d. The limitation "means for moving said platform" in the last line of claim 19 is not understood. It appears to be redundantly reciting the other actuators.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

12. Claims 1, 2, 13, 14 and 17, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Fitzgerald (cited by applicant). Fitzgerald shows a system comprising:

- a first highline (19);
- a second highline (also 19);
- a first skate (14) coupled to the first highline (19);
- a second skate (15) coupled to the second highline (19);
- a three sheave supporter (26) coupled to the first skate (14) and the second skate (15);
- a platform (46) coupled to the three sheave supporter (26);
- an XZ movement rope (28) configured to move the platform; and
- a Y movement rope pair (20 and 20) configured to move the platform.

There are a plurality of other sheaves (21, 23, 30, 33 and 37) for the XZ movement rope and the Y movement rope, as recited in claim 2. Masts (10-13) are support structures, as recited in claim 13. The method is as recited in claim 14, as best understood. The elements are considered as coupled and configured, to the same degree as applicant's elements are coupled and configured, as applicant's use of these terms is best understood, as recited in claim 17.

Art Unit: 3654

13. Claims 3, 4, 15, 16, 18 and 19, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Smith. Fitzgerald shows the basic claimed overhead carriage system as detailed above. It has an X movement winch drum (31) coupled with the XZ movement rope (28), at least one Y movement drum (22 and 22a) coupled with the Y movement rope pair (20, 20), and a Z movement winch drum (34) coupled with the other end of the XZ movement rope (28), but varies from the claims by not specifying that the winch drums each has an electric motor powered by a generator. Smith discloses an electric motor and generator for logging engines which maintain a tow line stationary with a constant average tension and has delicate control over torque at any speed, as to replace steam engines, see page 2, lines 48-63. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to use electric motors powered by an electric generator for each of the winch drums of Fitzgerald, for the control advantages taught by Smith. The motors are coupled to their ropes, and the motors rotate, as claims 18 and 19 are best interpreted.

14. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Miller or Warman. Fitzgerald shows the basic claimed overhead carriage system, as detailed above, but varies from claim 5 by not specifying that the winches have dynamometer for controlling rope movements. Miller shows a related overhead carriage system which has dynamometer controlled winches. Warman shows a similar overhead carriage with sensing controls (88 and 320). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to have the winches of Fitzgerald dynamometer controlled, as to maintain constant tensions on the cables, as taught by Miller or by Warman.


15. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Robertson. Fitzgerald shows the basic claimed overhead carriage system, as detailed above, but varies from claim 6 by not having a stabilizer on the platform. Robertson shows a similar cable apparatus with an additional line (J) which guides and stabilizes the platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the platform of Fitzgerald with a stabilizer, to guide the loading, as taught by Robertson.

16. Claims 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Stock et al or Weinert. Fitzgerald shows the basic claimed overhead carriage system as detailed above. It varies from the claims by not having a camera on the platform. Stock et al shows a crane grab with a downwardly pointing camera (58). Weinert shows a scooping bucket with a downwardly pointing camera (59). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the platform of Fitzgerald with a camera, for remotely viewing the loading, as taught by Stock et al or by Weinert.

Art Unit: 3654

17. Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzgerald in view of Smith, as applied to claim 19, and further in view of Robertson. Fitzgerald, as modified, shows the basic claimed overhead carriage system, but varies from claim 20 by not having a stabilizer on the platform. Robertson shows a similar cable apparatus with an additional line (J) which guides and stabilizes the platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the platform of Fitzgerald with a stabilizer, to guide the loading, as taught by Robertson.

18. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
Art Unit 3654